

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1-5, 12-16 and 32-36 are currently pending in this application.

**Claim Rejections - 35 USC §103**

Claims 1, 12 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0097686 to Qui (hereinafter "Qui") in view of U.S. Publication No. 2004/0203475 to Gaal (hereinafter "Gaal").

Claims 1, 12 and 32 are further rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0899906 to Balachandran (hereinafter "Balachandran") in view of U.S. Patent No. 7,336,629 to Raitola (hereinafter "Raitola").

Claims 2-3 13-14 and 33-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Qui and Gaal in view of U.S. Publication No. 2004/0142698 to Bergel (hereinafter "Bergel").

Claims 4, 15 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui, Gaal and Bergel and further in view of U.S. Publication No. 2003/0129992 to Koorapaty (hereinafter "Koorapaty").

Claims 5, 16 and 36 are rejected under 35 USC 103(a) as being unpatentable over Qui in view of U.S. Patent No. 5,305,468 to Bruckert et al. (hereinafter "Bruckert").

Applicant has not argued the Qui and Gaal references separately. Applicant's have argued that the combination of Qui's and Gaal's systems does not render the Applicant's disclosed method and apparatus as obvious.

It appears that the Examiner has misunderstood Qui's disclosed system. As set forth in paragraphs [0018] through [0023], the predicted values are used at the component that includes the fading-adaptive unit (FAU). As such, a UE for example receives channel state information from the base station and determines CSI parameters on future fading channels using a long range prediction. Accordingly, Qui does not disclose the deriving based on current quality and predictive channel quality indication estimated at future quality of the downlink data channel on a per time slot basis, and transmitting the predictive CQI to a Node B, wherein the predictive CQI includes at least one of a recommended transport block size, modulation format or number of codes. In fact, it is made clear in QUI that the predictive value is used by the component only for purposes of knowing the future quality of fading channel conditions and is not transmitted.

Applicant's argue again that the simple calculation of the quality value for every time slot does not render obvious the generation of a predictive channel quality on a per time slot basis. Even if it is assumed that the Examiner is correct, the combination of Qui with Gaal still does not suggest or teach Applicant's disclosed method. Qui, combined with Gaal, would simply determine the channel

quality on a per time slot basis and forward this information to the FAU. In the example provided above, the base station would determine the CSI per time slot and forward the CSI per time slot to the UE. The FAU included in the UE would then generate a future fading channel conditions for use by the UE. This combination again does not suggest or teach the deriving, based on the current quality a predictive channel quality indication estimating the future quality of the downlink data channel on a per time slot basis and transmitting the CQI to a Node B wherein the predictive CQI includes at least one of a recommended transport block size modulation format or number of codes.

Balachandran and Raitola, similar to Gaal, fail to disclose those missing elements of Qui. As Applicant argued regarding Gaal, combining Balachandran and Raitola would not have been obvious to those having skill in the art for the reasons provided above regarding Gaal. Therefore, neither Qui, Gaal, Balachandran nor Raitola, suggest or teach Applicant's method as claimed in claims 1, 12, and 32.

Claims 2 – 5, 12 – 16 and 33 – 36 are dependent upon claims 1, 12 and 32, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 103 rejection is respectfully requested.

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**Application No.:** 10/698,721

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure